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 7 EXXONMOBIL OIL CORPORATION

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

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 11 EXXONMOBIL OIL CORPORATION,
 12 Plaintiff,
 13 v.
 14 NICOLETTI OIL, INC. et al.,
 15 Defendants.

No. 1:09-cv-01498-AWI-DLB

**STIPULATION AND ORDER
 DISMISSING CERTAIN CLAIMS
 WITH PREJUDICE**

Judge: Hon. Anthony W. Ishii
 Third Am. Compl. Filed: Oct. 8, 2010
 Trial Date: Nov. 14, 2012

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 17 Plaintiff ExxonMobil Oil Corporation (“Plaintiff”) and defendants Nicoletti Oil, Inc.,
 18 Dino J. Nicoletti, and John A. Nicoletti (collectively, “Defendants”), by and through their
 19 counsel, stipulate and agree that Plaintiff’s second claim for express contractual indemnity, third
 20 claim for equitable indemnity, and seventh claim for negligence shall be dismissed with
 21 prejudice.

22 DATED: September 27, 2012

23 BINGHAM MCCUTCHEN LLP

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 26 By: /s/ Berj K. Parseghian
 Berj K. Parseghian
 Attorneys for Plaintiff
 27 EXXONMOBIL OIL CORPORATION
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TATRO TEKOSKY SADWICK LLP

By: /s/ Steven R. Tekosky (as authorized
on September 27, 2012)

Steven R. Tekosky
Attorneys for Defendants
NICOLETTI OIL, INC., DINO J.
NICOLETTI, and JOHN A. NICOLETTI

IT IS SO ORDERED.

Dated: September 27, 2012



CHIEF UNITED STATES DISTRICT JUDGE